
HOUSE BILL 1699

State of Washington 60th Legislature 2007 Regular Session

By Representative Simpson

Read first time 01/25/2007. Referred to Committee on Local Government.

1 AN ACT Relating to clarifying criteria for more intensive
2 development outside of urban growth areas; and amending RCW 36.70A.350
3 and 36.70A.360.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 36.70A.350 and 1991 sp.s. c 32 s 16 are each amended
6 to read as follows:

7 A county required or choosing to plan under RCW 36.70A.040 may
8 establish a process as part of its urban growth areas, that are
9 designated under RCW 36.70A.110, for reviewing proposals to authorize
10 new fully contained communities located outside of the initially
11 designated urban growth areas.

12 (1) A new fully contained community may be approved in a county
13 planning under this chapter if criteria, including but not limited to
14 the following, are met:

15 (a) New infrastructure is provided for and impact fees are
16 established consistent with the requirements of RCW 82.02.050;

17 (b) Transit-oriented site planning and traffic demand management
18 programs are implemented and given priority over plans to accommodate
19 single occupant vehicles;

1 (c) Buffers are provided between the new fully contained
2 communities and adjacent urban development;

3 (d) The new fully contained community will not encourage further
4 urban development of intervening rural areas or natural resource lands
5 designated under RCW 36.70A.170 that are located between the fully
6 contained community and urban growth areas or other urban development.
7 In determining whether the new fully contained community will encourage
8 further urban development under this subsection (1)(d), the county must
9 consider:

10 (i) The size of the rural area;

11 (ii) The potential for impacts on rural areas and resource lands;

12 (iii) The potential long-term impacts on rural areas and resource
13 lands resulting from providing urban governmental services to and
14 within the fully contained community;

15 (iv) Whether regional transportation corridors in relation to the
16 fully contained community will encourage commuting rather than
17 providing employment and services within the fully contained community;
18 and

19 (v) The proximity and relationship of the new fully contained
20 community to other urban growth areas;

21 (e) A mix of uses, including an employment center and a commercial
22 center, is provided to offer jobs, housing, and services to the
23 residents of the new community, and to achieve a balance between jobs
24 and housing. If approved, the fully contained community must include
25 a plan to assure that employment opportunities and services are made
26 available concurrently with the construction of new housing;

27 ((+e)) (f) Affordable housing is provided within the new community
28 for a broad range of income levels. The new community must make its
29 regional fair share of housing available to low and moderate income
30 households and comply with affordability targets adopted in the
31 county's comprehensive plan;

32 ((+f)) (g) Environmental protection has been addressed and
33 provided for, including full compliance with the requirements of this
34 chapter pertaining to critical areas;

35 ((+g)) (h) Development regulations are established to ensure urban
36 growth will not occur in adjacent and nearby nonurban areas. These
37 regulations must also require the developer of the new fully contained

1 community to purchase development rights from adjacent and nearby
2 nonurban areas to assure that these areas are protected in perpetuity
3 from urban development;

4 ~~((h))~~ (i) Provision is made to ~~((mitigate))~~ assure that no
5 impacts result from the approval of the fully contained community on
6 designated agricultural lands, forest lands, and mineral resource
7 lands;

8 ~~((i))~~ (j) The plan for the new fully contained community is
9 consistent with the development regulations established for the
10 protection of critical areas by the county pursuant to RCW 36.70A.170.

11 (2) Criteria developed by a county to comply with requirements of
12 subsection (1) of this section must be reviewed and approved by the
13 department.

14 (3) New fully contained communities may be approved outside
15 established urban growth areas only if a county reserves a portion of
16 the twenty-year population projection and offsets the urban growth area
17 accordingly for allocation to new fully contained communities that meet
18 the requirements of this chapter. Any county electing to establish a
19 new community reserve shall do so no more often than once every five
20 years as a part of the designation or review of urban growth areas
21 required by this chapter. The new community reserve shall be allocated
22 on a project-by-project basis, only after specific project approval
23 procedures have been adopted pursuant to this chapter as a development
24 regulation. When a new community reserve is established, urban growth
25 areas designated pursuant to this chapter shall accommodate the
26 unreserved portion of the twenty-year population projection.

27 (4) Final approval of an application for a new fully contained
28 community shall be considered an adopted amendment to the comprehensive
29 plan prepared pursuant to RCW 36.70A.070 designating the new fully
30 contained community as an urban growth area.

31 **Sec. 2.** RCW 36.70A.360 and 1998 c 112 s 2 are each amended to read
32 as follows:

33 (1) Counties that are required or choose to plan under RCW
34 36.70A.040 may permit master planned resorts which may constitute urban
35 growth outside of urban growth areas as limited by this section. A
36 master planned resort means a self-contained and fully integrated
37 planned unit development, in a setting of significant natural

1 amenities, with primary focus on destination resort facilities
2 consisting of short-term visitor accommodations associated with a range
3 of developed on-site indoor or outdoor recreational facilities.

4 (2) Capital facilities, utilities, and services, including those
5 related to sewer, water, storm water, security, fire suppression, and
6 emergency medical, provided on-site shall be limited to meeting the
7 needs of the master planned resort. Such facilities, utilities, and
8 services may be provided to a master planned resort by outside service
9 providers, including municipalities and special purpose districts,
10 provided that all costs associated with service extensions and capacity
11 increases directly attributable to the master planned resort are fully
12 borne by the resort. A master planned resort and service providers may
13 enter into agreements for shared capital facilities and utilities,
14 provided that such facilities and utilities serve only the master
15 planned resort or urban growth areas. Any extensions of sewer or water
16 services from an urban growth area to the resort must be completed in
17 a manner that assures that these services are not made available for
18 the development of intervening rural areas or natural resource lands
19 designated under RCW 36.70A.170.

20 Nothing in this subsection may be construed as: Establishing an
21 order of priority for processing applications for water right permits,
22 for granting such permits, or for issuing certificates of water right;
23 altering or authorizing in any manner the alteration of the place of
24 use for a water right; or affecting or impairing in any manner
25 whatsoever an existing water right.

26 All waters or the use of waters shall be regulated and controlled
27 as provided in chapters 90.03 and 90.44 RCW and not otherwise.

28 (3) A master planned resort may (~~include other~~) allow up to ten
29 percent of the residential uses within its boundaries to be used for
30 long-term or full-time occupancy, but only if the residential uses are
31 integrated into and support the on-site recreational nature of the
32 resort.

33 (4) A master planned resort may be authorized by a county only if:

34 (a) The comprehensive plan specifically (~~identifies~~) adopts and
35 implements policies to guide the development of master planned resorts;

36 (b) The comprehensive plan and development regulations include
37 restrictions that: (i) Preclude new urban (~~or~~) and suburban land
38 uses in the vicinity of the master planned resort, except in areas

1 (~~otherwise~~) previously designated for urban growth under RCW
2 36.70A.110; and (ii) establish a transferable development rights
3 program to assure that nearby rural areas are protected in perpetuity
4 from urban development;

5 (c) The county includes a finding as a part of the approval process
6 that the land is better suited, and has more long-term importance, for
7 the master planned resort than for the commercial harvesting of timber
8 or agricultural production, if located on land that otherwise would be
9 designated as forest land or agricultural land under RCW 36.70A.170;

10 (d) The county incorporates measures into its comprehensive plan
11 and development regulations to ensure that the master planned resort
12 does not interfere with the continued use of nearby forest lands or
13 agricultural lands designated under RCW 36.70A.170;

14 (e) The county ensures that the resort plan is consistent with the
15 development regulations established for critical areas; and

16 (~~(e)~~) (f) On-site and off-site infrastructure and service impacts
17 are fully considered and mitigated.

18 (5) Counties may not authorize master planned resorts within the
19 following areas:

20 (a) Within twenty-four air miles of an urban growth boundary with
21 an existing population of one hundred thousand or more unless
22 residential uses are limited to those necessary for the staff and
23 management of the resort;

24 (b) On a site with fifty or more contiguous acres of unique or
25 prime farmland identified and mapped by the United States natural
26 resources conservation service or its predecessor agency;

27 (c) In the Columbia river gorge national scenic area as defined by
28 the Columbia river gorge national scenic act, P.L. 99-663; or

29 (d) In forested areas with high potential for catastrophic
30 wildfires, as determined by the department of natural resources.

31 (6) For the purposes of this section, the following definitions
32 apply:

33 (a) "A setting of significant natural amenities" means features
34 formed through nature's actions that attract the public for
35 recreational activities including, but not limited to, ocean beaches,
36 natural lakes, rivers, mountains, deserts, and wetlands; and

37 (b) "Self contained" means recreational development that can supply

1 the daily needs of those who visit the development for recreation,
2 food, accommodations, and entertainment.

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